



TRUJILLO
RODRIGUEZ &
RICHARDS, LLC

A PENNSYLVANIA LIMITED LIABILITY COMPANY
ATTORNEYS AT LAW

258 Kings Highway East
Haddonfield, NJ 08033
856-795-9002
856-795-9887 Fax

Lisa J. Rodriguez
New Jersey Responsible Attorney

1717 Arch Street
Suite 3838
Philadelphia, PA 19103
215-731-9004
215-731-9044 Fax

April 20, 2011

VIA ECF AND OVERNIGHT MAIL:

Honorable Joseph E. Irenas, U.S.D.J.
United States District Court for the District of New Jersey
Post Office Building
401 Market Street, 3rd Floor, Suite 310
Camden, NJ 08101

RE: Bensel, et al. v. Air Line Pilots Association
Civil Action No. 02-2917

Dear Judge Irenas:

On behalf of the Plaintiffs in the above-referenced matter, I write regarding a dispute that has arisen regarding Your Honor's April 14, 2011, Order Denying Plaintiffs' Motion *in Limine* to Preclude the Testimony of Steve Rautenberg. See Doc No. 374, attached hereto as Exhibit A.

On April 14, 2011, following telephonic argument by the parties, Your Honor denied Plaintiffs' Motion *in Limine*, allowing ALPA to call Steve Rautenberg, a former TWA Pilot and member of the MEC, as a trial witness. In light of the Court's decision to permit Mr. Rautenberg to testify on behalf of ALPA, Your Honor also ruled that Plaintiffs would not be precluded from calling two additional TWA Pilots and members of the MEC as trial witnesses, Dave Singer and Alan Altman. If Plaintiffs decided to call either of those two individuals as trial witnesses, Plaintiffs had to produce Messrs. Singer and Altman for deposition by April 30, 2011. *Id.*

Plaintiffs intend to call Mr. Altman as a trial witness and ALPA has scheduled his deposition for April 28, 2011 in Las Vegas. Plaintiffs, however, do not intend to call Mr. Singer as a trial witness and advised ALPA of this decision. Notwithstanding Plaintiffs decision not to call Mr. Singer as a trial witness, ALPA has nonetheless taken the position that it is permitted to depose Mr. Singer and has served a deposition notice for April 29, 2011. See Ex. B.

ALPA's position exceeds the scope and spirit of Your Honor's April 14, 2011, ruling. As a condition to permitting Plaintiffs to amend their trial witness list to add Messrs. Singer and Altman, Plaintiffs had to produce those witnesses for deposition. Conversely, if Plaintiffs decided not to call either or both of these individuals, Plaintiffs need not produce them for deposition. ALPA's belated attempt to conduct a discovery deposition six weeks before trial of an absent class member is nothing more than an attempt to harass and fish for information.

Plaintiffs request a telephone conference be scheduled to address this issue or, alternatively, leave to file a motion for protective order.

Dated: April 20, 2011

Respectfully submitted,

TRUJILLO RODRIGUEZ & RICHARDS, LLC

By: s/ Lisa J. Rodriguez
Lisa J. Rodriguez

cc: Steve Fram (via email)
John Connell (via email)
Dan Katz (via email)
Plaintiffs' counsel (via email)

EXHIBIT A

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

LEROY "BUD" BENSEL, ET AL.,

Plaintiffs,

v.

ALLIED PILOTS ASSOCIATION, ET
AL.,

Defendants.

HONORABLE JOSEPH E. IRENAS

CIVIL ACTION NO. 02-2917 (JEI)

ORDER DENYING MOTION IN LIMINE
TO PRECLUDE THE TESTIMONY OF
STEVEN RAUTENBERG
(DOCKET # 361)

APPEARANCES:

TRUJILLO, RODRIGUEZ & RICHARDS, LLP

By: Lisa J. Rodriguez

258 Kings Highway East

Haddonfield, NJ 08033

Counsel for Plaintiffs

ARCHER & GREINER, PC

By: John C. Connell

One Centennial Square

Haddonfield, NJ 08033

Counsel for Defendant

IRENAS, Senior District Judge:

This matter having appeared before the Court upon
Plaintiffs' Motion in Limine To Preclude the Testimony of Steven
Rautenberg (Dkt. No. 361), the Court having considered the
submissions of the parties, for the reasons set forth in a
teleconference amongst the parties held on even date herewith,
and for good cause appearing:

IT IS on this 14th day of April, 2011,

ORDERED THAT:

(1) Plaintiffs' Motion in Limine to Preclude the Testimony of Steven Rautenberg is hereby **DENIED**. If Plaintiffs choose to depose Steven Rautenberg, such deposition must be completed no later than April 30, 2011.

(2) Plaintiffs shall not be precluded from calling David Singer or Altman as witnesses at trial. If Defendant chooses to depose David Singer or Alan Altman, such depositions must be completed no later than April 30, 2011.

(3) Defendant must file its opposition brief to Plaintiffs' Motion in Limine to Permit Evidence at Trial of APLA's Spoliation (Dkt. No. 372) no later than April 21, 2011.

s/ Joseph E. Irenas
JOSEPH E. IRENAS, S.U.S.D.J.

EXHIBIT B



ARCHER & GREINER, P.C.
ATTORNEYS AT LAW

STEVEN J. FRAM
Also Member of Pennsylvania Bar

ONE CENTENNIAL SQUARE
HADDONFIELD, NJ 08033-0968
856-795-2121
FAX 856-795-0574

Email Address:
sfram@archerlaw.com

Direct Dial: (856) 354-3051
Direct Fax: (856) 673-7051

www.archerlaw.com

April 19, 2011

Allen Press, Esquire
Green Jacobson & Butsch, P.C.
7733 Forsyth Boulevard
Suite 700
St. Louis, MO 63105

Lisa J. Rodriguez, Esquire
Trujillo Rodriguez & Richards, LLC
8 Kings Highway West
Haddonfield, NJ 08033

RE: Bensel v. Airline Pilots Association
No. 02-2917-JEI (D.N.J.)

Dear Counsel:

Enclosed herewith and being served upon you is a Notice for the deposition of David B. Singer on Friday, April 29, 2011.

Very truly yours,



STEVEN J. FRAM

SJF/gam
Enclosure

cc: Daniel Katz, Esquire
Elizabeth Ginsburg, Esquire

6658574v1

PRINCETON OFFICE
700 Alexander Park
Suite 102
Princeton, NJ 08540
P 609-580-3700
F 609-580-0051

FLEMINGTON OFFICE
Plaza One
1 State Route 12, Suite 201
Flemington, NJ 08822-1722
P 908-788-9700
F 908-788-7854

PHILADELPHIA OFFICE
One Liberty Place - 32nd Floor
1650 Market Street
Philadelphia, PA 19103-7393
P 215-963-3300
F 215-963-9999

WILMINGTON OFFICE
300 Delaware Avenue
Suite 1370
Wilmington, DE 19801
P 302-777-4350
F 302-777-4352

GEORGETOWN OFFICE
9 East Market Street
P.O. Box 977
Georgetown, DE 19947
P 302-858-5151
F 302-858-5161

NEW YORK OFFICE
2 Penn Plaza
Suite 1500
New York, NY 10121
P 212-292-4988
F 212-629-4568

ARCHER & GREINER
A Professional Corporation
One Centennial Square
P.O. Box 3000
Haddonfield, NJ 08033-0968
(856) 795-2121
Attorneys for Defendant, Airline Pilots Association, International

BY: STEVEN J. FRAM, ESQUIRE

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

LEROY "BUD" BENSEL, et al.,

Plaintiffs,

v.

**ALLIED PILOTS ASSOCIATION,
AIRLINE PILOTS ASSOCIATION, INT'L,
AMERICAN AIRLINES, INC. and
TWA, LLC,**

Defendants.

Civil Action No. 02-2917-JEI

NOTICE OF DEPOSITION – DAVID B. SINGER

TO: Allen P. Press, Esquire
Green Jacobson & Butsch, P. C.
Suite 700, Pierre LaCled Center
7733 Forsyth Boulevard
St. Louis, Missouri 63105

Lisa J. Rodriguez, Esquire
Trujillo Rodriguez & Richards, LLC
8 King's Highway West
Haddonfield, NJ 08033

PLEASE TAKE NOTICE that on Friday, April 29, 2011, Defendant, the Air Line Pilots Association, International ("ALPA"), through its undersigned counsel, shall take the deposition upon oral examination of David B. Singer. Said deposition shall be taken at the offices of

Archer & Greiner, P.C., One Centennial Squire, Haddonfield, NJ 08033, before a Certified Shorthand Reporter or other person authorized to administer oaths under the laws of the State of New Jersey. **Defendant intends to videotape this deposition.**

Said deposition will commence at 9:30AM and will continue from hour-to-hour until completed or adjourned by agreement of counsel.

PLEASE TAKE FURTHER NOTICE that, at the time of his deposition, Mr. Singer shall be required to bring with him and produce for inspection and copying, the following documents:

1. All documents that concern, refer or relate to his service as a member of the TWA Master Executive Council, including but not limited to any notes created during or relating to his service on the TWA MEC Negotiating Committee during the period from January 1 to April 30 of 2001.
2. All documents that concern, refer or relate to communications with other individuals who were members of the TWA MEC from January 1, 2001 to the present.

You are invited to attend and cross-examine.

Dated: April 19, 2011.

ARCHER & GREINER, P.C.
Attorneys for Defendant

By: 

STEVEN J. FRAM, ESQUIRE

Pro Hac Vice:

Daniel M. Katz, Esquire
Katz & Ranzman, P.C.
4530 Wisconsin Ave., N.W., Suite 250
Washington, DC 20016
(202) 659-4656

CERTIFICATE OF SERVICE

I hereby certify that on April 19, 2011, I served a copy of the foregoing Deposition

Notice upon other counsel of record by email and first-class mail, postage prepaid, as follows:

Allen P. Press, Esquire
Green Jacobson & Butsch, P. C.
Suite 700, Pierre LaClede Center
7733 Forsyth Boulevard
St. Louis, Missouri 63105
press@stlouislaw.com

Lisa J. Rodriguez, Esquire
Trujillo Rodriguez & Richards LLC
8 King's Highway West
Haddonfield, NJ 08033
lisa@trrlaw.com


STEVEN J. FRAM, ESQUIRE

6654439v1